

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE
CRIMINAL APPLICATION NO.75 OF 2006
IN
CRIMINAL REVISION APPLICATION NO.597 OF 2002

Sureshkumar Rambali Tiwari	.. Applicant/ Surety
Shrikant Mahadeo Kane	.. Accused
V/s.	
The State of Maharashtra	.. Respondent/ Complainant.
Shri.R.K.Singh for the applicant.	
Shri.S.S.Pednekar, A.P.P. for the State.	

CORAM	:	S.C.DHARMADHIKARI, J.
DATE	:	13TH DECEMBER, 2006

P.C.:

. The applicant is a surety for the original accused Shrikant. The accused was arrested by G.B.C.B.C.I.D. for the offences punishable under I.P.C. namely, criminal breach of trust, cheating and forgery. The accused was

released on bail on 30th July, 2001 by the learned Metropolitan Magistrate, 19th Court, Esplanade, Mumbai. The accused was released after the applicant stood surety for him. The criminal case has been decided on merits. The accused was convicted. The accused preferred an appeal and the bail was continued in appeal alongwith same surety. The appeal has also been dismissed.

. The applicant-accused filed a Criminal Revision Application in this Court bearing No.597 of 2002, which is still pending. However, the surety has applied for being discharged as the original accused has expired on 18th December, 2004. The original death certificate issued by the B.M.C has been perused by me. Even the learned A.P.P. does not dispute that the same pertains to the original accused. In such circumstances, all proceedings come to an end as abated. There will be no purpose therefore for the surety to be continued as the accused has expired. The application is preferred u/s.444 of Cr.P.C. In the light of the fact that the original accused has expired, the surety also stands discharged. Criminal Application No.75 of 2006 is allowed accordingly.

. Since, surety is discharged, he is at liberty to

apply for withdrawal of the amount, which has been deposited by him.

. All concerned to act upon an authenticated copy of this order. Since the accused has expired, the revision application also does not survive and it is disposed of.

(S.C.Dharmadhikari, J.)